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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 29

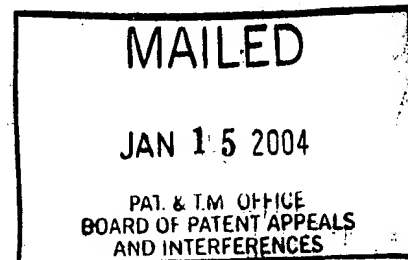
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

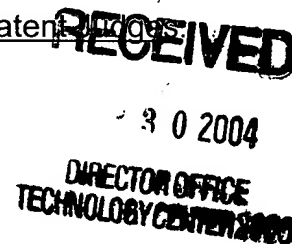
Ex parte JEFFREY ALAN SMALL

Appeal No. 2002-1389
Application No. 08/833,106

ON BRIEF



Before HAIRSTON, GROSS, and BLANKENSHIP, Administrative Patent Judges
BLANKENSHIP, Administrative Patent Judge.



DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 2-4, 11-13, and 25, which are all the claims remaining in the application.

We affirm.

BACKGROUND

The invention is directed to digital cameras that may be connected to a printer, and processes related to such cameras. Parameters representing printer characteristics may be uploaded from a printer to a camera, for use in a color space transformation that compensates for the characteristics of the particular printer.

Representative claim 11 is reproduced below.

11. A process for digital cameras used with separate color printers each having different predetermined process colors and printing process characteristics, said process including the sequential steps of:

capturing an image on an imager;

processing the captured image by (i) color filter interpolation, (ii) a first color space transformation, and (iii) compression to produce first processed image data;

storing the first processed image data;

connecting a one of the printers to the camera¹ via a printer interface;

receiving process color and printing process parameters from the one of the printers via the printer interface;

further processing the stored first processed image data to effect decompression and compensation for the characteristics of the one of the printers responsive to received parameters to produce second processed image data, wherein said compensation includes a second color space transformation; and

transmitting second processed image data to the one of the printers using said printer interface.

¹ The recitation of "the camera" lacks proper antecedent in the claim.

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The examiner relies on the following references:

Koike et al. (Koike)	5,237,401	Aug. 17, 1993
Ohta	6,108,008	Aug. 22, 2000 (filed Sep. 18, 1995)

Claims 2-4, 11-13, and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Koike and Ohta.

We refer to the Final Rejection (Paper No. 25) and the Examiner's Answer (Paper No. 28) for a statement of the examiner's position and to the Brief (Paper No. 27) for appellant's position with respect to the claims which stand rejected.

OPINION

For purposes of this appeal, appellant submits that the claims may be considered to stand or fall together. (Brief at 2.) We select claim 11 as representative of the invention. See 37 CFR § 1.192(c)(7).

The statement of the rejection of claim 11 is set forth at pages 5 through 7 of the Answer. Appellant argues that although Koike describes an image reader, no more than a single color correcting step is required. According to appellant, this is because the facsimile and color copying machines as described by the reference include both image reading and printing in the same unit. As such, the characteristics of the printer

are known when the image is being scanned and (initially) color corrected. (Brief at 2-3.)

Appellant's argument appears to be in the form of alleging a deficiency in a single reference, rather than speaking to the combination applied. In any event, appellant does not point to anything in Koike that supports the view that the image readers disclosed by Koike are always packaged with a particular printer. Nor does appellant provide any evidence in support of the position. Moreover, the reference describes (e.g., col. 5, l. 7 - col. 6, l. 31) using a test chart 31, applied to the image sensor, to calculate suitable color correcting coefficients, rather than providing characteristics of any associated output device.

Appellant also alleges that Ohta is directed to color management on a "host personal computer," which is not the equivalent of a digital camera. (Brief at 3.) However, appellant has not responded to, and thus shown no error in, the examiner's finding that Ohta discloses (col. 3, ll. 46-50) that the described system may also be used in an image input device such as a scanner. (Final Rejection at 4; Answer at 4.)

Finally, appellant argues that although the printer condition setting means of Ohta is "not well described," the means is not part of the printer. In appellant's view, the information received by the "camera" from the printer condition setting means is via a separate and different interface from that used to download images from the camera to the printer. (Brief at 3-4.)

However, we find the examiner's position, set out at pages 10 and 11 of the Answer, to be reasonable. Ohta teaches using printer condition setting means 9 to set

various output connections of the connected printer, or the parameters relating to the color process defined therein. Col. 4, ll. 15-21. The reference describes printer condition setting means as functionally related to printer 11, even if the drawings do not show the means as physically located within printer 11 (e.g., Fig. 2). Ohta shows two, not one, boxes (9 and 11) in Figure 2.

However, the instant rejection is based on obviousness, rather than anticipation. In our opinion, at least the disclosed relatedness of the printer and the associated setting means would have suggested to the skilled artisan packaging the setting means with the printer, and thus would have suggested a single, bidirectional interface to send process color and printing process parameters and to receive processed image data for printing.

We are unpersuaded of error in the instant section 103 rejection. We thus sustain the rejection of claims 2-4, 11-13, and 25 under 35 U.S.C. § 103 as being unpatentable over Koike and Ohta.

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CONCLUSION


The rejection of claims 2-4, 11-13, and 25 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED


KENNETH W. HAIRSTON
Administrative Patent Judge

Anita Pellman Gross
ANITA PELLMAN GROSS
Administrative Patent Judge


HOWARD B. BLANKENSHIP
Administrative Patent Judge

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